

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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MITCHELL DZIK,

Petitioner,

v.

STATE OF NEVADA, et al.,

Respondents.

Case No. 2:22-cv-02113-GMN-EJY

**Order Denying Application to Proceed
in Forma Pauperis, Dismissing Petition
Without Prejudice, Denying Motion for
Injunctive Relief, Denying Certificate of
Appealability and Closing Case**

The court directed *pro se* 28 U.S.C. § 2254 habeas petitioner Mitchel Dzik to, within 30 days, either pay the \$5.00 filing fee or file a completed and signed financial certificate and the required inmate account statements in order to complete his application to proceed *in forma pauperis*. (ECF No. 4.) That order was served on Dzik at his address of record. More than the allotted time has passed, and Dzik has not paid the fee, filed the required financial documentation, or contacted the court in any manner.

The court thus denies the incomplete application to proceed *in forma pauperis*. Dzik was also expressly advised that failure to comply with the court's order would result in the dismissal of the petition. Accordingly, the petition is dismissed without prejudice for failure to comply with this court's order to pay the filing fee or file a completed application to proceed *in forma pauperis*.

Dzik also filed what he styled as an emergency motion for injunctive relief. (ECF No. 3.) But he simply asks the court to grant his petition and order his release. As the petition is dismissed without prejudice, the motion is denied as moot.

1 **IT IS THEREFORE ORDERED** that petitioner's incomplete application to
2 proceed *in forma pauperis* (ECF No. 1) is **DENIED**.

3 **IT IS FURTHER ORDERED** that the Clerk of Court detach and file the petition
4 (ECF No. 1-1).


5 **IT IS FURTHER ORDERED** that this action is **DISMISSED** without prejudice as
6 set forth in this order.

7 **IT IS FURTHER ORDERED** that petitioner's emergency motion for injunctive
8 relief (ECF No. 3) is **DENIED** as moot.

9 **IT IS FURTHER ORDERED** that a certificate of appealability is denied.

10 **IT IS FURTHER ORDERED** that the Clerk enter judgment accordingly and close
11 this case.

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13 DATED: 4 April 2023.

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18 GLORIA M. NAVARRO
19 UNITED STATES DISTRICT JUDGE
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